IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 1946 OF 2006
IN
REVIEW PETITION (ST.) NO.14623 OF 2006
IN
WRIT PETITION NO. 4638 OF 2005.

Gopaldas Dayalal Dodhia. ... Applicant/ Rev.Petitioner.

V/s.

Kallu Dukhi Choudhary and another. ... Respondents.

E.A.Sasi for the applicant/ review petitioner.

D.B.Sawant for the respondents.

CORAM: V.C.DAGA, J.

DATED: 14th September 2006.

P.C.:

. Heard learned counsel for the rival parties.

. Perused application as well as review petition.

2. No case is made out to condone delay. Application for condonation of delay is liable to be rejected.

3. On merits, after going through the contentions raised in the review petition, it is necessary to place on record that substantive

petition was heard by this Court on 24th November, 2005. All the contentions raised by learned counsel for the petitioner at the relevant time, impugned in that petition, relating to applicability of the Slum Legislation; were considered and rejected by this Court.

4. The petitioner had sought six months' time to vacate suit premises and agreed to furnish undertaking containing usual terms to vacate. Six months' period expired in the month of May, 2006. The petitioner neither filed undertaking nor handed over possession of the premises even after expiry of the said period of six month.

5. The petitioner, after having consumed period of six months granted to him to vacate suit premises, has, now, chosen to file present application seeking review of the order dated 24th November, 2005 along with application for condonation of delay. The review application is not only delayed but the same is not bonafide. The applicant has not approached this Court with clean hands. If the applicant/ original petitioner was directed to vacate suit premises, it was expected on the part of the applicant/ petitioner to file undertaking or, at least approach this Court for review of the order well

within reasonable time and/or should have handed over possession of suit premises to the landlords. Considering the conduct of the petitioner this is not a fit case wherein delay should be condoned in exercise of discretion of this Court.

6. Application for condonation of delay is, therefore, rejected with costs quantified in the sum of Rs.5,000/- to be paid to the respondents-landlords within four weeks from today. If the amount of costs is not paid within stipulated period, the said amount shall carry interest @ 12% per annum till it is paid in full and final and the respondent- landlords/ decree holders shall be entitled to execute same as decree of the civil Court.

7. Review petition be consigned to record.

(V.C.DAGA, J.)